

AMENDED
APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF
NEVADA HERETOFORE APPROPRIATED

Date of filing in State Engineer's Office OCT 06 2003

Returned to applicant for correction _____

Corrected application filed JAN 28 2004Map filed JAN 28 2004

The applicant **Lawrence W. Ruvo Living Trust, dated 1989**, hereby makes application for permission to change the **Point of Diversion Manner of Use and Place of Use** of a portion of water heretofore appropriated under **Certificate Record No. 349, Proof No. 02147** as decreed, **North Logan Creek Decree (see attachment)**.

1. The source of water is **North Logan Creek (see Item 15)**.
2. The amount of water to be changed **0.2368 CFS not to exceed 78.784 AFA (see attached)**.
3. The water to be used for **Irrigation**.
4. The water heretofore permitted for **Irrigation, Stock Watering and Domestic**.
5. The water is to be diverted at the following point within **SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 10, T.14N., R.18E., M.D.M. from which the southeast corner of said Section 10 bears S 21°05'08" E, a distance of 1,121.46 feet (see attachment)**.
6. The existing permitted point of diversion is located within **SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 14, T.14N., R.18E., M.D.M.**
7. Proposed place of use **Portions of Section 10, T.14N., R.18E., M.D.M. totaling 31.045 acres (see attachment). Also see Item 15, Remarks.**
8. Existing place of use **Portions of Section 10, T.14N., R.18E., M.D.M. as follows: Lot 5 0.640 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$ 13.538 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$ 2.127 acres Lot 3 3.391 acres Total 19.696 acres**
9. Use will be from **May 1 to October 15** of each year.
10. Use was permitted from **May 1 to October 15** of each year.
11. Description of proposed works **Infiltration well, pump, pipelines, standpipes, distribution ditches and pipelines.**
12. Estimated cost of works **\$50,000**
13. Estimated time required to construct works **three years**
14. Estimated time required to complete the application of water to beneficial use **five years**
15. Remarks: **See attachment.**

By: **Milton L. Sharp, Agent**
s/Milton L. Sharp
1170 Financial Blvd., No. 650
Reno, NV 89502

Compared cmf/sam dl/gkl _____

Protested _____

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion manner of use and place of use of a portion of the waters of North Logan Creek and Tributaries, as heretofore appropriated under Proof 02147, Certificate 349, as appears in the Matter of the Determination of the Relative Rights of the Claimants and Appropriators in and to the waters of North Logan Creek (sometimes known as Logan Creek or Logan Shoals Creek No. 1) and its Tributaries, in the District Court of the First (now 9th) Judicial District of the State of Nevada, in and for the County of Douglas, is issued subject to the terms, conditions and irrigation period imposed in said decree and with the understanding that no other rights on the source will be affected by the change proposed herein.

A totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of the water placed to beneficial use. The totalizing meter must be installed before any use of water begins, or before the Proof of Completion of Work is filed.

This permit is subject to the final allocation of the State of Nevada under the California-Nevada Interstate Compact Commission. The State retains the right to regulate the use of the water herein granted at any and all times.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The total combined duty of water under Permits 70497, 70498, and 70499 shall not exceed 92.796 acre-feet seasonally for the irrigation of 23.199 acres within the described place of use.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

Monthly records shall be kept of the amount of water pumped from this well during the irrigation season and the records submitted to the State Engineer on a quarterly basis within 15 days after the end of each calendar quarter.

(CONTINUED ON PAGE 3)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.2368 cubic feet per second, but not to exceed 78.784 acre-feet seasonally, and not to exceed a seasonal duty of 4.0 acre-feet per acre of land irrigated from any and/or all sources.

Work must be prosecuted with reasonable diligence and be completed on or before:

June 10, 2007

Proof of completion of work shall be filed on or before:

July 10, 2007

Water must be placed to beneficial use on or before:

June 10, 2010

Proof of the application of water to beneficial use shall be filed on or before:

July 10, 2010

Map in support of proof of beneficial use shall be filed on or before:

July 10, 2010

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set
my hand and the seal of my office,

this 10th day of June, A.D. 2005


State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____



ATTACHMENT

APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION,
MANNER OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE
STATE OF NEVADA, HERETOFORE APPROPRIATED
UNDER CERTIFICATE RECORD NO. 349

Identification of Decree and Right in Decree: Certificate Record No. 349 was established by Findings of Fact, Conclusions of Law, and Final Judgment and Decree in the Matter of the Determination of the Relative Rights of Claimants and Appropriators in and to the Waters of North Logan Creek (sometimes known as Logan Creek or Logan Shoals Creek No. 1) and Its Tributaries, in Douglas County, Nevada, Case No. 860. Date of priority of appropriation is 1872 and the Applicant has 32.663 percent of the total amount of water decreed. See also response to Item 2.

Response to Item 2, Amount of Water to be Changed.

See Report of Conveyance dated January, 20, 1997, The Glenbrook Company as Current Holder to Lawrence W. Ruvo Living Trust dated 1989, as New Holder. Total appropriation under Certificate Record No. 349 is 0.7251 cubic feet per second, not to exceed 241.20 acre feet annually for irrigation of 60.30 acres. Lands of the Ruvo Trust within the Place of Use of water appropriated under Certificate Record No. 349 have an area of 19.696 acres or 32.663 percent of the total Place of Use.

Amount of water appropriated under Certificate Record No. 349 and conveyed to the Ruvo Trust in January 1997, is determined as follows:

Seasonal duty of water of 4.0 acre feet per acre applied to 19.696 acres of land is 78.784 acre feet annually.

Diversion rate for water appropriated by the Ruvo Trust is 32.663 percent of 0.7251 CFS, which equals 0.2368 CFS.

Ruvo Trust lands totaling 5.518 acres permitted to be irrigated under Certificate Record No. 349 are also included as a part of the Place of Use for the water appropriated under Permit No. 52272.

Response to Item 7, Proposed Place of Use.

Portions of Section 10, T. 14 N., R. 18 E., M.D.M. as follows:

Lot 5	0.64 acres
SE ¼ SE ¼	20.878 acres
Lot 3	4.475 acres, North of Glenbrook Creek
Lot 3	<u>5.052 acres, South of Glenbrook Creek</u>
Total	31.045 acres

Response to Item 15, Remarks.

Portions of water previously appropriated by the Applicant under Permits No. 52271, and 52272 from Glenbrook Creek and under Certificate of Record No. 349 from North Logan Creek (also known as North Logan House Creek) will be allowed to flow into Lake Tahoe where all the appropriations will be commingled within the mass of Lake Tahoe water. The commingled appropriations will be diverted from Lake Tahoe through an infiltration well to be constructed at the point of diversion designated in Item 5. Place of Use for the commingled appropriations will be as indicated in Item 7.

The total amount of water appropriated under the three existing water rights is limited to a seasonal duty of water of 4.0 acre feet per acre of land, applied to 23.199 acres of Ruvo Trust lands, a total maximum appropriation of 92.796 acre feet annually from all sources.